

# ZONING RECLASSIFICATION APPLICATION

## Harford County Board of Appeals

Bel Air, Maryland 21014

*Shaded Area For Office Use Only*

Case No. 104

Date Filed 5-20-98

Hearing Date \_\_\_\_\_

Pre-Conf. \_\_\_\_\_

Receipt \_\_\_\_\_

Fee \$ 700

### Note

1. It is required that the applicant have a pre-filing conference with the Department of Planning and Zoning to determine the necessary additional information that will be required.
2. The burden of proof in any rezoning case shall be upon the Petitioner.
3. Any application in a zoning case and any amendment thereto shall contain specific allegations setting forth the basis for granting of the request.
4. Petition must contain names and addresses of all persons having legal or equitable interest in the property, including shareholders owning more than five percent (5%) of the stock in a corporation having any interest in the property, except those corporations listed and traded on a recognized stock exchange. SEE ATTACHMENT A
5. Application will be reviewed for completeness within ten (10) working days of submittal. Applicant will be notified by mail of completeness of application.

### Petitioner

Name 304 TOLLGATE LLC Phone Number \_\_\_\_\_

Address 8634 BELAIR ROAD BALTIMORE MARYLAND 21236  
*Street Number Street State Zip Code*

Property Owner HAR-CO INVESTMENT GROUP LLC Phone Number \_\_\_\_\_

Address P.O. BOX 851 BEL AIR MARYLAND 21014  
*Street Number Street State Zip Code*

Contract Purchaser SAME AS APPLICANT Phone Number \_\_\_\_\_

Address \_\_\_\_\_  
*Street Number Street State Zip Code*

Attorney/Representative ALBERT J.A. YOUNG Phone Number 410-879-2220  
BROWN, BROWN & BROWN, P.A.

Address 200 S. MAIN STREET BEL AIR, MARYLAND 21014  
*Street Number Street State Zip Code*

*Hearing: 10/12/98*

## Land Description

Address and Location of Property (with nearest intersecting road) P. 358 (15,000 sf) 304 S. TOLLGATE ROAD:  
P. 19 (22,500 sf) SS TOLLGATE ROAD

Subdivision SILVER SPRING HEIGHTS Lot Number N/A Acreage/~~XXX~~ Size 37,500 sf Election District 3rd

Existing Zoning R2 Proposed Zoning R0 Acreage to be Rezoned 37,500 sf (all)

Tax Map No. 49 Grid No. 3A Parcel 358 & 19 Deed Reference 2451/868

Critical Area Designation N/A Land Use Plan Designation HIGH DENSITY

Present Use and ALL improvements: SINGLE FAMILY DWELLING & VACANT UNIMPROVED LOT

Proposed Use (If for subdivision development, proposed number of lots, type of dwellings, and type of development.  
Example: Conventional, Conventional with Open Space, Planned Residential Development) \_\_\_\_\_  
COMMERCIAL USE PERMITTED IN R0 DISTRICT

Is the property designated a historic site, or does the property contain any designated or registered historic structures?  
N/A If yes, describe: \_\_\_\_\_

Estimated Time Requested to Present Case: XXXXXXXXXXXX 3 HOURS

## Required Information To Be Attached

*(Submit three (3) copies of each):*

- (a) The names and addresses of all persons, organizations, corporations, or groups owning land, any part of which lies within five hundred (500) feet of the property proposed to be reclassified as shown on the current assessment records of the State Department of Assessments and Taxation.
- (b) A statement of the grounds for the application including:
- (1) A statement as to whether there is an allegation of mistake as to the existing zoning, and if so, the nature of the mistake and facts relied upon to support this allegation.
  - (2) A statement as to whether there is an
- allegation of substantial change in the character of the neighborhood, and if so, a precise description of such alleged substantial change.
- (c) A statement as to whether, in the applicant's opinion, the proposed classification is in conformance with the Master Plan and the reasons for the opinion.
- (d) A Concept Plan shall be submitted by the applicant at the time the application is filed. The Concept Plan shall illustrate the following:
- (1) Location of site.
  - (2) Proposed nature and distribution of land uses, not including engineering drawings.
  - (3) Neighborhood (as defined by the Applicant).

ATTACHMENT TO ZONING RECLASSIFICATION APPLICATION OF  
304 TOLLGATE LLC

The Zoning Reclassification Application requests the following information.

Petitioner's submission is as follows:

"(a) The names and addresses of all persons, organizations, corporations, or groups owning land, any part of which lies within five hundred (500) feet of the property proposed to be reclassified as shown on the current assessment records of the State Department of Assessments and Taxation."

Petitioner: See attachment A-1, List of Owners of Property Within 500 Feet of the Subject Property.

"(b) A statement of the grounds for the application including:

"(1) A statement as to whether there is an allegation of mistake as to the existing zoning and, if so, the nature of the mistake and facts relied upon to support this allegation."

Petitioner: A mistake occurred in the legal sense when the subject property was zoned R2 during the last Comprehensive Rezoning in 1989. The County Council erroneously assumed that the subject property should be zoned R2. As a result of development in the area, changes in the Master Plan, Master Water and Sewer Plan and other factors which have occurred since the last Comprehensive Rezoning in 1989, the property's R2 zoning classification is no longer appropriate. The subject property should be rezoned RO in its entirety.

"(2) A statement as to whether there is an allegation of substantial change in the character of the neighborhood, and if so, a precise description of such alleged substantial change."

Petitioner: Petitioner makes such an allegation. As a result of development in the area, changes in the Master Plan, Master Water and Sewer Plan and other factors which have occurred since the last Comprehensive Rezoning in 1989, the neighborhood has substantially changed.

"(c) A statement as to whether, in the applicant's opinion, the proposed classification is in conformance with the Master Plan and the reasons for the opinion."

Petitioner: The proposed classification is in conformance with the Master Plan.

"(d) A concept plan shall be submitted by the applicant at the time the application is filed. The concept plan shall illustrate the following:

1. Location of site;
2. Proposed general nature and distribution of land uses but need not include engineered drawings;
3. Neighborhood;
4. All surrounding zoning; and
5. Proposed public or private capital improvements.

Petitioner: See attachment A-2.

"(e) List previous rezonings and recommendations since the effective date of the Comprehensive Rezoning, within the neighborhood of the petitioned area, their case numbers, dates, and decisions."

Petitioner: None.

"(f) Map indicating woods, fields, streams, floodplains, non tidal wetlands, etc."

Petitioner: See Attachment A-3

"(g) Property deed, and a boundary survey prepared and sealed by a registered surveyor, including dimension of area requested to be rezoned if only a portion of the property."

Petitioner: See Attachments A-4 (Title Deed) and A-3

"(h) Private restrictions or covenants, if any, applicable to subject parcel."

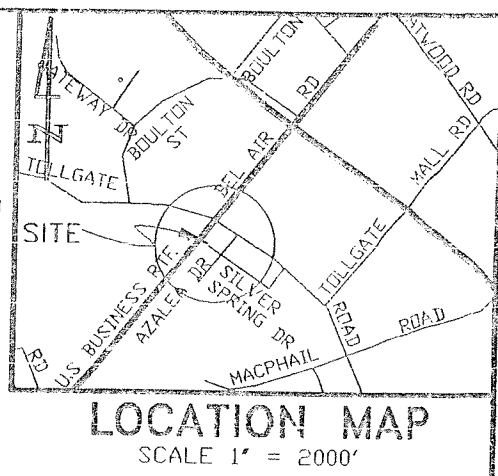
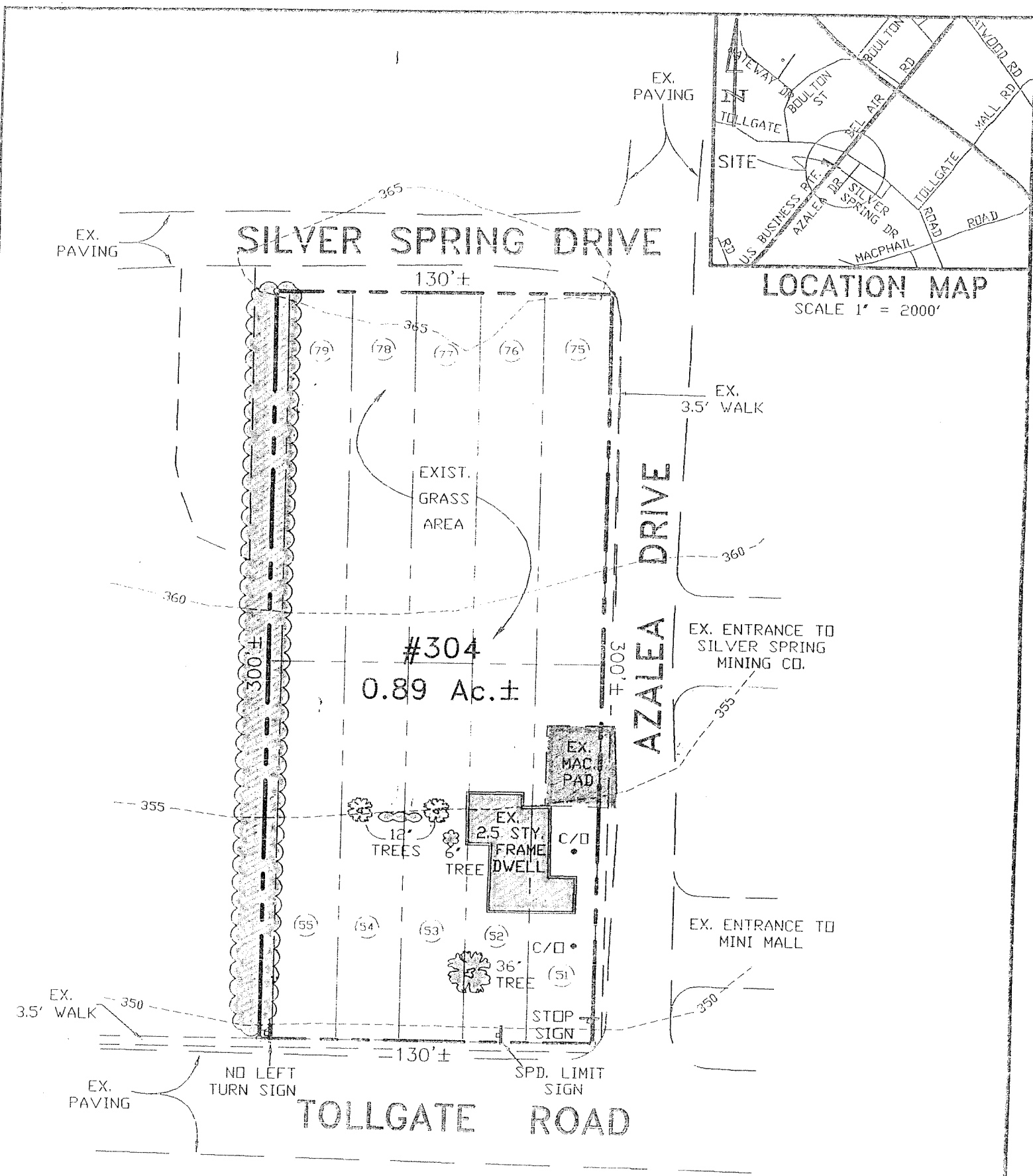
Petitioner: None

"(i) Any agreements with individuals or associations in the neighborhood related to the proposed zoning shall be submitted."

Petitioner: None .

"(j) Availability of public water and sewer."

Petitioner: Public water and sewer are available to the property.



**OWNER**

HAR-CD INVESTMENT GROUP, L.L.C.  
P.O. BOX 851  
BEL AIR, MARYLAND 21014



- (4) All surrounding zoning.
- (5) Proposed public or private capital improvements.
- (c) Previous individual rezonings and recommendation since the effective date of the Comprehensive Rezoning, within the neighborhood of the petitioned area, their case numbers, dates, and decisions.
- (f) Environmental features map indicating woods, fields, streams, floodplains, non-tidal wetlands, etc.
- (g) Property deed and a boundary survey prepared and sealed by a registered surveyor, including dimension of area requested to be rezoned if only a portion of the property.
- (h) Private restrictions or covenants, if any, applicable to subject parcel.
- (i) Any agreements with individuals or associations in the neighborhood related to the proposed zoning shall be submitted.
- (j) Availability of public water and sewer.

## Additional Information as Required by the Department of Planning and Zoning

- (a) Existing and proposed libraries, parks, schools, fire and police departments.
- (b) Demonstration of compatibility of the proposed use with existing and proposed development for the area.
- (c) Traffic impact study.
- (d) Economic and Environmental impact studies.
- (e) Estimated population for existing and proposed petitioned area and neighborhood, as defined.
- (f) Soils analysis.
- (g) Aerial photograph.

CASE NO. 104 MAP 49 TYPE Rezoning

ELECTION DISTRICT 3 LOCATION 304 S. Tollgate Road, Parcel 358  
SS Tollgate Road, Parcel 19

BY 304 Tollgate LLC, 8634 Belair Road, Baltimore, Md. 21236 (OWNER: Har-Co Investment  
Group LLC, P.O. Box 851, Bel Air, Md. 21014)

Appealed because a rezoning pursuant to Section 267-12A of the Harford County Code to  
rezone 37,500 square feet from a R2 District to a RO District requires approval by the Board.

I/We do solemnly declare and affirm under the penalties of perjury that the contents of the foregoing affidavit are true and correct to the best of my/our knowledge, information, and belief.

304 TOLLGATE LLC

By: [Signature] 5/8/98  
Signature of Applicant/Owner Date

HAR-CO INVESTMENT, GROUP LLC

By: [Signature] 5/8/98  
Signature of Co-owner/Purchaser/Owner Date  
Michael Martino

[Signature] 5/8/98  
Signature of Attorney/Representative Date  
Albert J.A. Young

[Signature] 5/8/98  
Director of Planning and Zoning Date

[Signature] 5/8/98  
Witness Date

[Signature] 5/8/98  
Witness Date

[Signature] 5/8/98  
Witness Date

[Signature]  
Zoning Staff Date